



ARIZONA DEPARTMENT OF PUBLIC SAFETY

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"Courteous Vigilance"

JANET NAPOLITANO ROGER VANDERPOOL
Governor Director

November 3, 2008

School District Transportation Directors

RE: Metro Light Rail Grade Crossings controlled by a Traffic Control Signal

With the pending start of Metro Light Rail in the cities of Phoenix, Tempe and Mesa, questions and concerns from school districts, Valley Metro and the motoring public have been voiced relating to grade crossings for Light Rail tracks.

The main issue is whether school buses are required to stop at the Light Rail grade crossings controlled by a traffic control signal.

Per current language in AAC R17-9-104.B.15, all school buses are required to stop at railroad grade crossings, unless directed by a police officer. This requirement includes Light Rail grade crossings. Arizona Revised Statute §28-853(A) also requires school buses to stop at railroad grade crossings, however, paragraph (B)(1) of the same statute states that section A does not apply at "a crossing where a police officer or a traffic control signal directs traffic to proceed."

The Department has obtained a legal opinion from the Arizona Attorney General's Office which has stated that the language within ARS §28-853(B)(1) does allow school buses to proceed across a Light Rail grade crossing that is controlled by traffic control signal. The same opinion also recommends a change to the School Bus Minimum Standards (AAC R17-9-104.B.15) to reflect the language in the state statute regarding the Light Rail crossings.

The opinion does not affect highway-rail grade crossings controlled by railroad warning devices (crossing arms and flashing red lights), including grade crossings along the Grand Avenue corridor. School buses will continue to have to stop at such locations.

Should you have any questions, please contact the Student Transportation Section at 602-223-2646

Sincerely,


Gary Hughes, Commander
Commercial Vehicle Enforcement Bureau

cc: Phoenix Police Department
Tempe Police Department
Mesa Police Department